

Docket No. 0687/74768-AA/JPW/GJG/JRMIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Michael Wayne Graham and Robert Norman Rice
Serial No. : 10/759,841 Examiner: Whiteman, Brian A.
Filed : January 15, 2004 Group Art Unit: 1635
For : SYNTHETIC GENES AND GENETIC CONSTRUCTS

Mail Stop Amendment
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Date: October 9, 2008

Sir:

Transmitted herewith is an amendment to the above-identified application.

_____ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been previously established.

_____ A verified statement to establish small entity status under 37 C.F.R. §1.9 and §1.27 is enclosed.

X No additional fee is required.

The filing fee is calculated as follows:

	Number after Amendment	Highest Number Previously Paid For ¹	Number of Extra Claims Presented	RATE			FEE	
				Small Entity	Other Entity		Small Entity	Other Entity
Total Claims	33 -	* 60 =	*** 0 X	\$26	\$52	=		0.00
Independent Claims	3 -	** 4 =	*** 0 X	\$110	\$220	=		0.00
Multiple Dependent Claim(s) Presented For First Time _____ Yes <u> X </u> No				\$195	\$390	=		0.00
				TOTAL ADDITIONAL FEE			\$	0.00

¹ The "HIGHEST NUMBER PREVIOUSLY PAID FOR" (Total or Independent) is the highest of the "NUMBER AFTER AMENDMENT" in any prior amendment or the number of claims originally filed.

* If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 20, write "20" in this space.

** If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 3, write "3" in this space.

*** If the difference between the "NUMBER AFTER AMENDMENT" and the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than "0", write "0".

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Amendment Transmittal Letter
Page 2

The following are also enclosed:

 One additional copy of this Amendment Transmittal Letter

 X Return Receipt Postcard

 An Information Disclosure Statement, including Form PTO-1449
(Copies of citations included: Yes No
and a fee of \$ included)

 A Petition for an Extension of Time, including a fee of
\$ for a Petition for Month(s) Extension of Time

 X Other (identify): Exhibits A to F as indicated on the Return Receipt
Postcard

THE TOTAL FEE DUE IS \$ 0.00.

 A check in the amount of \$ is enclosed.

 Please charge Deposit Account No. in the amount of
\$.

 X The Commissioner is hereby authorized to charge any additional fees
required or credit any overpayment to Deposit Account No. 03-3125
as follows:

 X Fees under 37 C.F.R. \$1.16 for the presentation of extra claims
 X Patent application processing fees under 37 C.F.R. \$1.17

Respectfully submitted,

I hereby certify that this
correspondence is being deposited this
date with the U.S. Postal Service with
sufficient postage as first class mail
in an envelope addressed to:
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450.
Gary J. Gershik 10/9/08
John P. White Date
Reg. No. 28,678
Gary J. Gershik
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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1185 Avenue of the Americas
New York, New York 10036
October 9, 2008

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P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT IN RESPONSE TO JULY 9, 2008 OFFICE ACTION

This Amendment is submitted in response to the July 9, 2008 Office Action issued in connection with the above-identified application. A response to the July 9, 2008 Office Action is due October 9, 2008. Accordingly, this Amendment is being timely filed.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 10 of this paper.

Please amend the subject application as follows: